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09/502,041	02/11/2000	Akihiko Hamamura	105400	4683

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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,041

Applicant(s)

HAMAMURA ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 9/10/04, with respect to the rejection(s) of claim(s) 7 under 35 U.S.C. 102(e) and claims 1-6 and 9-11 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Anderson et al., 6,097,431.

Allowable Subject Matter

2. The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Anderson et al., 6,097,431. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, 5-7, 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al., 6,097,431.**

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In regard to claims 1, 6, and 7, Anderson et al., 6,097,431, discloses an electronic camera that generates a still image by photographing a subject (see figure 5 and column 4, lines 45 to column 5, lines 8), comprising:

- a frame feed reproduction device that sequentially displays a plurality of still images and a plurality of corresponding sets of image information (frame number) recorded in advance (see figures 9-12 and column 6, lines 26-53);

- a high-speed frame feed reproduction device that sequentially displays a plurality of sets of image information (frame numbers, shutter speed, image size, audio volume) recorded in advance independently of displaying a still image (see figures 9-12 and column 6, lines 26-53: It is inherent the thumbnails or reduced images of the full image and information has a smaller data volume than full images and these images are saved in the memory in order to be displayed later);
- and

- a switching device (see figure 8, elements 262, 264, and 271) that selects either said frame feed reproduction device or said high-speed frame feed reproduction device to switch between said frame feed reproduction device and said high-speed frame feed reproduction device (see column 6, lines 18-21).

In regard to claim 2, Anderson et al., 6,097,431, discloses an electronic camera according to claim 1, wherein;

- said frame feed reproduction device displays a still image each time an individual external operation is received when external operations are received at

a specific operating unit over intervals exceeding a specific length of time (see column 6, lines 47-53);

and said switching device switches to said high-speed frame feed reproduction device if a continuous external operation is received or repeated external operations are received over intervals shorter than the specific length of time at said operating unit while said frame feed reproduction device is selected (see column 8, lines 64-66: Pressing the mode button twice switched to high speed frame feed with nine images display and double-clicking the down button advancing to the next page).

In regard to claim 5, Anderson et al., 6,097,431, discloses an electronic camera (see figure 5) that generates a still image by photographing a subject and records the still image (see column 4, lines 45 to column 5, lines 8), comprising:

a frame feed reproduction device that sequentially displays a plurality of still images recorded in advance and frame numbers each assigned to one of said plurality of still images (see figures 9-12 and column 4, lines 26-53);

a high-speed frame feed reproduction device that sequentially displays the frame numbers independently of displaying a still image (see figures 9-12 and column 26-53); and

a switching device (see figure 8, elements 262, 264, and 271) that selects either said frame feed reproduction device or said high-speed frame feed reproduction device to switch between said frame feed reproduction device and said high-speed frame feed reproduction device (see column 6, lines 18-21).

In regard to claim 9, Anderson et al., 6,097,431, discloses an image reproduction apparatus (see figure 5 and column 4, lines 45 to column 5, lines 8: It is noted that the limitations in the preamble have not been given an patentable weight). Because the apparatus of claim 1 is taught, the image reproduction apparatus corresponding to the apparatus is also taught.

In regard to claim 10, Anderson et al., 6,097,431, discloses a recording medium having recorded thereon an image reproduction program (see figure 6, element 346, figure 12, and column 5, lines 13-18: It is noted that the limitations in the preamble have not been given an patentable weight). Because the apparatus of claim 1 is taught, the program recorded on the recording medium corresponding to the function of the apparatus is also taught.

In regard to claim 11, Anderson et al., 6,097,431, discloses an image reproduction program (see figure 6, element 346, figure 12, and column 5, lines 13-18) See above. The data signal is inherently taught.

In regard to claim 12, Anderson et al., 6,097,431, discloses an electronic camera according to claim 1, wherein:

when said switching device has performed a first switching operation to switch to said high-speed frame feed reproduction device from said frame feed reproduction device, said high-speed frame feed reproduction device displays a plurality of sets of image information while keeping displaying of a still image displayed by said frame feed reproduction device immediately before the first switching operation (see figure 9: before switching modes, the image (320) is

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displayed along with the image information (frame number, shutter speed, and image size); and

when said switching device perform a second switching operation to switch to said frame feed reproduction device from said high-speed frame feed reproduction device, said frame feed reproduction device displays a still image corresponding to contents of display implemented by said high-speed frame feed reproduction device immediately before the second switching operation (see figure 11 and column 9, lines 1-5: When switching from high speed or multi-frame reproduction mode (1158) to normal reproduction mode (1160), the user highlights and selects the image to be viewed).

In regard to claim 13, Anderson et al., 6,097,431, discloses an electronic camera according to claim 1, wherein;

when said switching device has performed a first switching operation to switch to said high-speed frame feed reproduction device from said frame feed reproduction device, said high-speed frame feed reproduction device stops displaying of a still image and displays a plurality of sets of image information (see figures 9 and 10: When switching modes, the image (320) displayed in the previous mode a removed and replaced with a plurality of images along with the image information (frame number, shutter speed, and image size); and

when said switching device performs a second switching operation to switch to said frame feed reproduction device from said high-speed frame feed reproduction device, said frame feed reproduction device displays a still image

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corresponding to contents of display implemented by said high-speed frame feed reproduction device immediately before the second switching operation (see figure 11 and column 9, lines 1-5: When switching from high speed or multi-frame reproduction mode (1158) to normal reproduction mode (1160), the user highlights and selects the image to be viewed).

In regard to claim 14, Anderson et al., 6,097,431, discloses an electronic camera according to claim 5, wherein:

when said switching device has performed a switching operation to switch to said high-speed frame feed reproduction device from said frame feed reproduction device, said high-speed frame feed reproduction device displays the frame numbers while keeping displaying of a still image displayed by said frame feed reproduction device immediately before the switching operation (see figures 9 and 10: The image and frame numbers are displayed before switching the next mode).

In regard to claim 15, Anderson et al., 6,097,431, discloses an electronic camera according to claim 6, wherein:

when said switching device has performed a switching operation to switch to said high-speed frame feed reproduction device from said frame feed reproduction device, said high-speed frame feed reproduction device displays a plurality of sets of photographic information while keeping displaying of a still image displayed by said frame feed reproduction device immediately before the

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switching operation (see figure 9 and 10: The full display image and image information is displayed before switching to the next mode).

In regard to claim 16, Anderson et al., 6,097,431, discloses an electronic camera according to claim 7, wherein:

said high-speed frame feed reproduction device sequentially displays a plurality of reduced images recorded in advance independently of displaying a still image (see figure 20A: The images are displayed sequentially in an array of 4, 9 or 12 images).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US 6,097,431 in view of Hayashi, US 6,618,082.**

In regard to claim 3, Anderson et al., US 6,097,431, discloses an electronic camera according to claim 2. The Anderson reference does not disclose wherein:

said switching device switches to said frame feed reproduction device when external operations are no longer received or external operations are received over intervals longer than the specific length of time at said operating unit while said high-speed frame feed reproduction device is selected.

Hayashi, US 6,618,082, discloses an electronic camera wherein once the user releases his finger from the feed button during high frame feed or continuous reproducing mode, the camera switches to the frame feed or normal reproducing mode (see col. 4, lines 31-33).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Anderson et al., US 6,097,431 in view of Hayashi, US 6,618,082, to have the switching device switch to said frame feed reproduction device when external operations are no longer received, in order to view the higher resolution version of the selected image.

In regard to claim 4, Anderson et al., US 6,097,431 in view of Hayashi, US 6,618,082, discloses an electronic camera according to claim 3, wherein:

when said switching device performs a switching operation to switch to said frame feed reproduction device from said high-speed frame feed reproduction device, said frame feed reproduction device displays a still image corresponding to contents of display implemented by said high-speed frame feed reproduction device immediately before the switching operation (see Hayashi: column 4, lines 31-36).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US 6,097,431, in view of Miller et al., US 6,233,015.

In regard to claim 8, Anderson et al., US 6,097,431, discloses an electronic camera according to claim 7. The Anderson reference does not disclose wherein:

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said high-speed frame feed reproduction device displays a reduced image superimposed on a still image that has been displayed by said frame feed reproduction device before a switching operation is performed by said switching device.

Miller et al., US 6,233,015, discloses an electronic camera wherein the high-speed frame feed reproduction device displays a reduced image (see figure 3, element 42) superimposed on a still image (see figure 3, element 28) that has been displayed by said frame feed reproduction device before a switching operation is performed by said switching device (see column 6, lines 14-40).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Anderson et al., US 6,097,431, in view of Miller et al., US 6,233,015 to have the high-speed frame feed reproduction device displays a reduced image superimposed on a still image that has been displayed by said frame feed reproduction device before a switching operation is performed by said switching device, in order to quickly select the next image to view while viewing the current image on the display.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


TUAN HO
PRIMARY EXAMINER